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Amr Yassin

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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2452

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/028,381	YASSIN ET AL.	
	Examiner	Art Unit	
	DOHM CHANKONG	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-15, and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in response to Applicant's request for continued examination, filed on 9/18/2008. Claims 1, 3, 5, 14, and 20 are amended. Claims 1-3, 5-15, and 17-20 are presented for further examination.

2. This action is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/18/2008 has been entered.

Response to Arguments

4. Applicant argues that the cited prior art references do not disclose sending a device format preference where the device format preference includes format information for needed data. Applicant argues that Zintel merely discloses sending a link to the format information. Applicant's arguments with respect to claims 1-3 and 5-13 are moot in view of the new ground(s) of rejection. However, because independent claim 14 does not recite the same limitation as claim 1, Applicant's arguments with respect to claims 14, 15, and 17-20 are not persuasive.

Applicant's arguments are persuasive with respect to independent claim 1 because the

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claim specifically recites that the device format preference includes format information for needed data. However, claim 14 merely recites a request that includes a device format preference where the preference is used to select specific data from a document but does not specify that preference includes format information. This is a crucial difference because without the language limiting the device preference as including format information Zintel's teaching of transmitting an announce packet with a link to the format information still reads on the "device format preference" as recited in claim 14. Like claim 14's device format preference, Zintel's announce packet is used to select specific data from a document. Based on the foregoing, Applicant's arguments with respect to independent claim 14 and its dependent claims are not persuasive and the rejection of these claims set forth in the previous action are therefore maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 14 is rejected for lacking proper antecedent basis: "*the specific data* relating to a specific portion..." The antecedent basis for the italicized portion was deleted from the claim in Applicant's amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 5-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Zintel et al. (U.S. Patent Number 6,910,068), hereinafter referred to as Zintel, in further view of Kovales et al, U.S. Patent No. 7.062.437 [“Kovales”].

7. Zintel is directed to an xml-based template language for providing automatic self-configuration of devices on a network [column 1 «lines 16-21»] in part through the use of stylesheets [column 51 «lines 1-9»]. Similarly, Kovales is directed to an invention that uses xsl stylesheets to adapt requested content to a specific format desired by the user [column 4 «lines 53-58»].

8. As to claim 1, Zintel does not expressly disclose that the device format preference sent from a device to the repository includes format information for needed data. However, a user sending a device format preference that includes format information to a repository was a well known feature in the art at the time of Applicant’s invention as evidenced by Kovales. Specifically, Kovales discloses that a user device may automatically transmit a stylesheet to a repository to provide a personalized experience for the user device [column 8 «lines 51-60» |

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column 10 «lines 62-67»]. It would have been obvious to one of ordinary skill in the art to have modified Zintel's announce packets to include the format information rather than a link to the format information as taught by Kovales. Kovales teaches that one benefit of this modification would allow users to customize and control the presentation of information and overriding default styles established at the server [see Kovales, column 8 «lines 28-37 and 51-60»].

9. Thereby the combination of Zintel and Kovales discloses:

- <Claim 1>

A method for utilizing a data format preference of a device, comprising:

connecting a device to a network having a data repository [Zintel, column 2 «lines 62-67»];

sending a device format preference to said data repository in response to said connecting at a time the device is initially connected to the network [Zintel, column 50, lines 23-34 and column 50, line 64 through column 51, line 9], the device format preference including format information for needed data [Kovales, column 8 «lines 51-60» | column 10 «lines 62-67»];

saving the device format preference with a network address of the device to be used as a device identifier by the data repository [Zintel, column 3 «lines 5-10» | column 8 «lines 32-37» | column 19 «lines 30-45»].

utilizing, at the network, the device format preference to select the preferred data format for the needed data, compatible with the needs and capabilities of the device in preparing data for transmission from the data repository to said device [Zintel, column 51

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«lines 1-9» : xsl files used for extracting different types of data such as text or images for “optimal presentation”]; and

sending the needed data to said device in the preferred data format [column 51

«lines 1-9 and 22-27»];

- «Claim 2»

The method of claim 1, further comprising saving the device format preference in the data repository [Zintel, column 51 «lines 1-3»: stylesheets are stored on a server as evidenced by the fact that they are access through URL].

- «Claim 3»

The method of claim 1, further comprising the device format preference is sent with a device identifier [column 49 «lines 28-36»: xml device description stored with the xsl stylesheet id].

- <Claim 5>

The method of claim 1, wherein the device connected to the network sends the device format preference each further time it is connected to the network [Zintel, column 50, lines 23-34 and column 50, line 64 through column 51, line 9];

- «Claim 6»

The method of claim 1, wherein the network is an automatic configuration network, so that any device connected thereto sends the device format preference upon initial connection to the network [Zintel, column 50, lines 23-24 and column 50, line 64 to column 51, line 9 and Kovales, column 8 «lines 51-60» | column 10 «lines 62-67»: teaching automatically sending the user’s preferred stylesheet].

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- «Claim 7»

The method of claim 1, further comprising:

sending a request for specific information by the device (Zintel, column 50 «lines 55-63»);

extracting, by the data repository from data storage, specific information (Zintel, column 51 «lines 17-27»: request for specific services);

retrieving the device format preference by the data repository using a device identifier (Zintel, column 49 «lines 28-36» | column 50 «line 61»);

formatting the specific information according to the device format preference (Zintel, column 51 «lines 3-9»); and

sending the specific information over the network to the device from the data repository (Zintel, column 51 «lines 28-32»).

- «Claim 8»

The method according to claim 7, wherein the device is an electronic device, and the request for the specific information and device format preference are embodied as one or more data packets (Zintel, column 50 «lines 28-32 and 64-67»)

- «Claim 9»

The method according to claim 7, wherein the data repository is an extensible Markup Language (XML) data repository (Zintel, column 49 «lines 3-27» | Figure 15).

- «Claim 10»

The method according to claim 7 wherein the data repository includes an extensible Markup Language (XML) database in communication with an Extensible

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Stylesheet Language Transformation (XSLT) engine in communication with the network (Zintel, column 51 «lines 3-35»: Zintel does not expressly disclose an XSLT engine but it is implied from Zintel's teaching of transforming XML using XSL stylesheets).

- «Claim 11»

The method according to claim 7, wherein the request for information is in an Extensible Stylesheet Language (XSL) stylesheet (Zintel, column 51 «lines 3-9»).

- «Claim 12»

The method according to claim 7, wherein the network is an In-Home Digital Network (IHDN) (Zintel, column 2 «lines 21-25 and 43-48» | column 7 «lines 9-10»: discussion of home networks and digital devices).

10. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Zintel and Kovales, in further view of Schwalb, U.S. Patent Publication No. 2003|0033607.

11. As to claim 13, Zintel does not expressly disclose that the specific information is electronic program guide (EPG) information. However, providing EPG information through the use of XSL stylesheets was a well known feature in the art at the time of Applicant's invention as evidenced by Schwalb. Schwalb discloses automatically generating EPG information in real-time for provisioning to user devices [0006]. It would have been obvious to one of ordinary skill in the art to have included Schwalb's EPG teachings into Zintel's system. Zintel discloses that his invention is applicable to home network devices such as a digital TV [column 7 «lines 9-10»]. One of ordinary skill in the art would have realized the benefit providing EPG information

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with respect to Zintel's digital TV [see Schwalb, 0002: discussion of EPG and digital televisions].

- «Claim 13»

The method according to claim 7, wherein the device is any one of the group consisting of:

a personal computer, personal digital assistant, television, video cassette recorder, personal video recorder, remote control, and audio system [Zintel, column 2 «lines 43-47 | column 46 «lines 2-15»]; and the specific information requested is electronic program guide information (Schwalb, 0006).

12. Claims 14, 15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto, U.S. Patent No. 6.792.577 in view of Zintel.

13. Kimoto disclosed a system for using style sheets which define the expression and form of documents to be transmitted in which key data can be used to protect the style sheets. In an analogous art, Zintel disclosed a system that uses an XML-based template language to describe device characteristics of devices connected via universal plug and play.

14. Concerning claim 14, Kimoto did not explicitly state sending the device format preference upon connection to the network. However, automatically sending control information upon a device's connection to a network was well known in the art as evidenced by Zintel whose

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UPnP devices send format information to other devices in the network upon connection to the network [Zintel, column 50, lines 23-24 and column 50, line 64 to column 51, line 9].

Concerning claims 14, and 20, Kimoto does disclose that a user can request that data be presented based on a particular style sheet but does not expressly disclose selecting specific data from a document compatible with the needs and capabilities of the device. However, Zintel discloses that selecting a particular style sheet is a proxy action for selecting specific types of information [column 49 «lines 30-36» where: different style sheets may extract and show only file selections, file sizes or image files]. The data format is compatible with the capabilities of the device [see Zintel, abstract : discovery of the device's capabilities | column 51 «lines 1-9» : xsl files used for “optimal presentation”]. The disclosure that the style sheets are for “optimal presentation” on a device clearly implies that the presentation is specifically tailored to the requesting device's capabilities.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Kimoto by adding the ability to send the device format preference upon connection to the network and selection of specific data from a document as provided by Zintel. Here the combination satisfies the need for a device connectivity model without persistent device configuration and for the ability to present different view of the same data depending on the capabilities of the device [Zintel, column 2, lines 57-61 and column 50 «line 64» to column 51 «line 9»]. This rationale also applies to those dependent claims utilizing the same combination.

Kimoto also fails to expressly disclose “saving the device format preference with a network address of the device to be used as a device identifier by the data repository.” However,

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Zintel provides a teaching that remedies this deficiency. Zintel discloses a description document which corresponds to the device format reference and a device identifier which corresponds to the network address of the device [column 3 «lines 5-10» | column 8 «lines 32-37»]. In order to address the device, Zintel discloses saving the document along with the device identifier [column 19 «lines 30-45»]. It would have been obvious to one of ordinary skill in the art to have further adapted Kimoto's system to include Zintel's teachings of storing the format preference with the network locator of the device. Zintel teaches that such a function allows for easier retrieval of the device's description and information.

15. Thereby, the combination of Kimoto and Zintel discloses:

- <Claim 14>

A method for recognizing a preferred format of a device comprising:

connecting the device to an In-Home Digital Network (IHDN) that has an extensible Markup Language (XML) data repository (Kimoto, figure 1; column 6, lines 40-48; and column 11, line 64 through column 12, line 5);

sending, in response to said connecting at a time the device is initially connected to the network or each time said device is connected to the network (Kimoto, column 15, lines 21-34 and column 16, lines 7-9, and Zintel, column 50, lines 23-34 and column 50, line 64 through column 51, line 9), an Extensible Style sheet Language (XSL) style sheet request for excerpted electronic programming guide (EPG) information, said stylesheet request including a device format preference from the device and being sent over the IHDN to an Extensible Style sheet Language Transformation (XSLT) engine in

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communication with the XML data repository (Kimoto, column 16, lines 7-31), the specific data relating to a specific portion of a document [column 11 «lines 54-56» | column 14 «lines 1-6 and 29-33»];

utilizing, on the network, said device format preference to the select specific data from the document, compatible with the needs and capabilities of the device, from the XML data repository in preparing data for transmission to said device (Kimoto, Figure 9 : sending the style sheet request | column 16, lines 29-41 and Zintel, column 51 «lines 1-9» : xsl files used for extracting different types of data such as text or images for “optimal presentation”); and

transmitting data to said device in the preferred device format (Kimoto, column 16, lines 48-63).

- «Claim 15»

The method of claim 14, wherein the step of utilizing comprises the steps of: extracting the requested excerpted EPG information by the XSLT engine from the XML data repository (Kimoto, column 16, lines 35-41); and formatting the excerpted EPG information in accordance with said device format preference (Kimoto, column 16, lines 42-47).

- <Claim 20>

A system for using a format preferred for a device, the system comprising:

a network that includes a data repository (Kimoto, figure 1; column 6, lines 40-48; and column 11, line 64 through column 12, line 5);

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said device, connected to the network and having a data format preference (Kimoto, figure 5, item 18/68 and column 15, line 64 through column 16, line 2); and a data packet containing a request for specific information, said data packet including said data format preference specifying specific data of a document to select the specific data from the document, compatible with needs and capabilities of the device, wherein said data packet is prepared by the device and transmitted over the network to said data repository (Kimoto, Figure 9 : sending the style sheet request | column 16, lines 29-41 | column 15, lines 21-34 | column 16, lines 7-9 and Zintel, column 51 «lines 1-9» : xsl files used for extracting different types of data such as text or images for “optimal presentation”), the specific data including a specified portion of the document, wherein the specified portion is the document in full when only a name of the document is included [Figure 5 : see broadcast contents which specify that "Only Document Body" is transmitted to the TV. The document body reads on Applicant's claimed "document in full" | column 11 «lines 54-56» | column 14 «lines 1-6 and 29-33»];

said network being configured for using said data format preference in preparing the specific information for transmission to said device, said data format preference stored by said data repository (column 16, lines 29-41), wherein the specific information requested is electronic programming guide information (column 16, lines 60-63).

- «Claim 17»

The system of claim 20, wherein the data repository extracts the specific information of the request, formats the specific information in accordance with said

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data format preference, and transmits the specific information over the communication network to the device (Kimoto, column 16, lines 42-63).

- «Claim 18»

The system according to claim 20, wherein the data repository is an extensible Markup Language (XML) data repository, which includes an XML database in connection with an Extensible Stylesheet Language Transformation (XSLT) engine, and the request for specific information and the device format preference are in an Extensible Stylesheet Language (XSL) stylesheet (column 16, lines 7-31).

- «Claim 19»

The system according to claim 20, wherein the network is an In-Home Digital Network (IHDN) (Kimoto, figure 1).

Since all the limitations of the invention as set forth in claims 17-20 were disclosed by Kimoto and Zintel, claims 1-3, 5-15 and 17-20 are rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/
Examiner, Art Unit 2452